

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

December 21, 2015
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Ron Christianson, Denis Anderson, Audrey Nelsen, Andrew Plowman, Tim Johnson, Steve Ahmann, and Rick Fagerlie. Present 8, Absent 1. Council Member Shawn Mueske was excused from the meeting.

Also present were City Administrator Larry Kruse, City Clerk Kevin Halliday, Finance Director Steve Okins, Police Chief Jim Felt, Fire Chief Frank Hanson, Planning and Development Services Director Bruce Peterson, Public Works Director, Sean Christensen, Community Education and Recreation Director Steve Brisendine and City Attorney Robert Scott.

Mayor Calvin recognized "West Central Tribune" News Reporter, David Little, who is retiring at year's end after nearly 43 years in the newspaper reporting business and announced his Open House Farewell Party to be held on December 30th. Mayor Calvin read a bio of Mr. Little's career and thanked him for his years of service to our community. Afterward he introduced the new reporter, Shelby Lindrud, who will be covering City events.

Mayor Calvin thanked City Clerk Kevin Halliday for his eight months of service as Interim City Administrator noting his willingness to step up. He then introduced the newly hired City Administrator, Larry Kruse, and gave a brief background of his experience and welcomed him to Willmar.

There were no additions or deletions to the agenda.

Council Member Anderson offered a motion to adopt the Consent Agenda which included the following items: City Council Minutes of December 7, Willmar Municipal Utilities Board Minutes of December 14, Application for Exempt Permit - Meeker County Ducks Unlimited, Application for Exempt Permit - Prairie Lakes Chapter of Rocky Mountain Elk Foundation, Accounts Payable Report through December 17, Willmar CER Joint Powers Board Minutes of December 4, Willmar Community and Activity Center Minutes of December 13, Planning Commission Minutes of December 16, and committee applications for both appointment and reappointment.

Council Member Johnson requested Item I. be pulled for discussion. Council Member Fagerlie seconded the motion to adopt the remainder of the consent items, which carried.

Council Member Johnson questioned the appointment to the Human Rights Commission stating it would be appropriate to have a disabled person serving on the commission. Mayor Calvin noted not all the positions have been filled and Barb Little who is up for appointment works with persons with disabilities and encouraged any disabled person interested to apply. Council Member Johnson made a motion to approve Item I. Council Member Christianson seconded the motion, which carried.

At 7:07 p.m. Mayor Calvin opened the hearing for consideration of an Ordinance Amending the Willmar City Charter. Bob Bonawitz, representing the Charter Commission, recommended the changes to the Charter that the Commission has suggested. Under Section 2.11 Procedure - the amendment deletes the named parliamentary rules and offers "established" rules to be adopted by the City Council. In Section 7.05 - Recall, the amendment removes comments pertaining to remuneration for services and in Section 9.04 - Oath of Office, words were amended for clarification of the office of the individual taking the oath.

There being no one to speak for or against the ordinance amendment, Mayor Calvin closed the hearing at 7:11 p.m. and opened it up for discussion by the Council.

Council Member Ahmann made a motion to adopt the amendment to the ordinance, assign it a number and order final publication. Council Member Johnson expressed concerns pertaining to the language change in Section 7.05 – Recall. Mr. Johnson felt the original drafters of the City Charter were wise to put that language in the Charter. Richard Larson of the Charter Commission addressed Council Member Johnson’s concerns stating the purpose of the change was to prevent payment. Council Member Ahmann withdrew his motion. Council Member Anderson clarified to the public that it takes eight affirmative votes to amend the Charter, and with one Council Member absent no action can be taken. Action is required within 30 days and if none is taken the amendment fails. City Attorney Robert Scott determined action on the amendment can be delayed until January 18, 2016. Extra clarification will be sought from the Charter Commission and brought to the Council.

The Finance Committee Report for December 14, 2015 was presented to the Mayor and Council by Council Member Anderson. There were six items for consideration.

Item No. 1 There was no public comment.

Item No. 2 Mayor Marv Calvin explained to the Committee that, at the request of a couple of council members, he raised the issue of salary increases for the council and directed Interim City Administrator Kevin Halliday to obtain salary information from other cities state-wide. After reviewing the information collected, it appears that the current salary of Willmar’s City Council is comparable with other regional cities and Mayor Calvin is not recommending an increase at this time. Following discussion, the Committee took no action on this item. The Council received this for information only.

Item No. 3 Staff reviewed with the Committee the proposed 2016 Fire Protection Contract with Dovre Township. The state-wide formula used to calculate the amount due from the Township is based on information from the previous year, which includes operating costs of the Fire Department, depreciation of the fire station and equipment, the number of firefighter hours used and market values of the area covered in Dovre Township. It was noted that the amount of the contract is down slightly from last year.

The Committee was recommending the Council introduce a resolution authorizing the Mayor and the City Administrator to execute the agreement as presented in the amount of \$21,686.86.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS Dovre Township annually contracts with the City of Willmar Fire Department for fire protection services; and

WHEREAS it is the established practice of the City of Willmar to use a statewide formula to calculate the Township cost sharing proposal;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the Mayor and City Administrator be authorized to execute the fire protection agreement with Dovre Township for the period 01/01/16 – 12/31/16 in the amount of \$21,686.86.

Dated this 21st day of December, 2015.

/s/ Marv Calvin

Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 4 Staff explained to the Committee that throughout late summer, Tom Amberg solicited donations from donors to augment the funds available in the Clara Selvig Park Trust to make over \$18,000 in landscape improvements to the downtown park. A total of \$10,520 was donated toward this project by various individuals and businesses including: Warren Hagen, Don Pearce, CDS Administrative Services, Main Street Willmar, Delores Hoglund, Building 330, Quick Return Tax Service/Sunvold Accounting, West Central Association of Realtors, Willmar Fests, Steve and Kelly Gardner, Rick's Cycling and Sport, Central Community Transit, Randy and Susie Czarnetzki, and other cash donations.

Council Member Anderson informed the Council that two additional donations were received today - \$100 from Johnson, Moody, Schmidt & Kleinhuizen and \$100 from Elite Insurance Group Agency. The Committee was recommending the Council introduce a resolution to accept these donations for the Selvig Park Improvements and to direct the City Administrator to send a letter of appreciation to each donor.

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, the City of Willmar has received numerous donations for the Selvig Park Improvements totaling \$10,720;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accepts the donations for the Selvig Park Improvements, and the City Administrator is directed to express the community's appreciation to the following donors.

\$ 140.00	Cash Donations
\$ 800.00	Warren Hagen
\$ 25.00	Don Pearce
\$ 150.00	CDS Administrative Services
\$1,200.00	Main Street Willmar
\$2,500.00	Delores Hoglund
\$1,305.00	Building 330
\$ 650.00	Quick Return Tax Service/Sunvold Accounting
\$2,200.00	West Central Association of Realtors
\$ 500.00	Willmar Fests
\$ 250.00	Steven & Kelly Gardner
\$ 200.00	Rick's Cycling and Sport
\$ 500.00	Central Community Transit
\$ 100.00	Randy & Susie Czarnetzki
\$ 100.00	Elite Insurance Group Agency
\$ 100.00	Johnson, Moody, Schmidt & Kleinhuizen, P.A.

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff presented the Investment Policy to the Committee for its required annual review. No changes are being recommended at this time. Staff provided an overview of the investment

process, noting that no more than 40% of the City's total deposits will be invested in any one institution or investment type on the day of purchase. This was received by the Council for information only.

Item No. 6 The Committee received the following reports: 09/30/15 Quarterly Interest/Dividends Report, 09/30/15 Quarterly Investment Activity Report, 09/30/15 Cash/Investment Portfolio Report, 09/30/15 10-Year Historical Quarterly Interest/Dividends Report, 09/30/15 10-Year Historical Quarterly Investment Balances Report, and 09/30/15 Quarterly Rice Trust Report. This matter was received by the Council for information only.

Council Member Christianson requested to comment on the item received for information only regarding salaries for elected City officials. The resolution recently voted on by the County Commissioners of Kandiyohi County dictated a 2% increase bringing current Commissioner salaries to \$30,161.01 per year plus \$70 per diem and offers eligibility to the single health insurance option currently offered to County employees..

Council Member Anderson made a motion to approve and file Finance Committee Report for December 14, 2015. Council Member Fagerlie seconded the motion.

The Public Works/Safety Committee Report for December 15, 2015 was presented to the Mayor and Council by Council Member Christianson. There were eleven items for consideration.

Item No. 1 Ralph Olson, 2029 5th Street SW, addressed the Committee with concerns over the safety of pedestrians crossing Benson Avenue SW at Frieda's Café. Mr. Olson is requesting signage or a railing to obstruct movement of pedestrians so they will utilize the crosswalk. This was referred to staff and received by the Council for information only.

Item No. 2 Police Chief Jim Felt noted the jail census for December 15, 2015 was 173; 91 inmates from the Department of Corrections, 75 inmates from Kandiyohi County and 7 inmates from Swift County. The calls for service since December 1 totaled 776 and are 598 calls ahead of the total number of calls for all of 2014, with 16 days to go in the current year. The majority of the calls were for traffic stops, followed by public assists and crashes. Chief Felt reminds citizens to slow down in the winter months for driving.

Fire Chief Frank Hanson noted the total Fire Department calls for service for the previous two weeks totaled 11, and included 2 car fires, 1 cooking fire, 5 accidents, 1 gas leak and 2 alarm activations. The total calls for service so far this year is 327, 26 calls above last year. The Fire Department reminds citizens about safety when burning candles and not heating homes by use of the oven.

Item No. 3 Staff brought forth, for approval, the purchase and replacement of Self Contained Breathing Apparatus (SCBA) and bottles in January. The items are included in the CIP and would be purchased from Emergency Response Solutions in the amount of \$332,002.37. The Committee questioned purchasing the 60 minute tanks rather than the 30 minute tanks, with Chief Hanson explaining they are heavier and constructed different. The bottles and apparatus are noted as a National Purchasing Contract. The Committee was recommending the Council approve the purchase of the Self Contained Breathing Apparatus and bottles in the amount of \$332,002.37.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, by the City Council of the City of Willmar to accept the bid from Emergency Response Solutions for the fire department's SCBA's, SCBA bottles and miscellaneous equipment, for a January 1st, 2016 purchase, in the amount of \$332,002.37.

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Emergency Response Solutions for the terms and consideration of the contract in the amount of \$332,002.37.

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the purchase and replacement of the SCBA air compressor and fill station. These items are included in the CIP and would be purchased from Alex Air Apparatus, Inc. in the amount of \$39,780.00, reflecting the \$3,500.00 trade in value of the existing unit. The current unit is showing signs of wear and cannot produce a high enough air pressure through the fill station to completely fill the new SCBA bottles. It was noted the fill station is tested quarterly and the bottles are tested yearly. The Committee's recommendation to the Council was to approve the purchase and replacement of the SCBA air compressor and fill station from Alex Air Apparatus, Inc. in the amount of \$39,780.00. The motion carried.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, by the City Council of the City of Willmar to accept the bid from Alex Air Apparatus, Inc. for the fire department's SCBA air compressor, fill station and miscellaneous equipment, for a January 1st, 2016 purchase, in the amount of \$39,780.00.

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with Alex Air Apparatus, Inc. for the terms and consideration of the contract in the amount of \$39,780.00.

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the consideration of removing the Saturday parking time limit restrictions in the central business district. After review of the current ordinance and speaking with downtown Willmar business owners, staff is requesting review and potential removal of the time limits, which currently state in the ordinance as between the hours of 8:00 a.m. and 11:00 p.m. on any Saturday. The Committee requested additional research with the downtown groups for further discussion. The Council received this for information only.

Item No. 7 Staff brought forth, for approval, the consideration of expanding the truck and unattached trailer parking from a 2 hour limit to 24 hours. After review of the current ordinance and speaking with Willmar residents, staff is requesting review of the time limit to accommodate the short term parking most often requested for non-commercial utility and boat trailers parked on City streets. The Committee discussed expanding the time limit to 12 hours, increasing ticket fines and the average number of tickets issued for trailers this year. Further research is requested on the topic by staff and the City attorney. The Council received this for information only.

Item No. 8 Staff brought forth, for approval, acceptance of Project No. 1302-A and to authorize final payment to Duininck, Inc. in the amount of \$50,140.85. The City Council entered into an agreement with Duininck on July 1, 2013 for the improvements to Willmar Avenue between 22nd Street SW and CSAH 5. The improvements consist of a new railroad crossing with improvements to accommodate a Quiet Zone. It was the recommendation of the Committee to the Council to accept Project No. 1302-A and to authorize final payment to Duininck, Inc. in the amount of \$50,140.85.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1302-A

CONTRACTOR:	Duininck, Inc.
DATE OF CONTRACT:	July 15, 2013
BEGIN WORK:	September 18, 2013
COMPLETE WORK:	November 6, 2015
APPROVE, ENGINEERING DEPT:	November 6, 2015

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1302-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,068,195.47
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,068,195.47
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$ 974,748.31
Less Previous Payments	\$ 924,607.46
FINAL PAYMENT DUE CONTRACTOR:	\$ 50,140.85

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 9 Staff brought forth, for approval, the Civic Center HVAC Change Order No. 2. The design and construction related services contract of the HVAC was awarded to Cool Air Mechanical in June, 2015. The project includes the replacement of the dehumidification in the Cardinal and Blue Line Arena, infrared heater adjustments and updating electrical equipment. The provided 600A trip unit in the new electrical switchgear needed to be replaced with a 300A trip unit to accommodate the existing refrigeration system in the Cardinal Arena, resulting in Change Order No. 2 in the amount of \$571.00. The Committee was recommending the Council approve Change Order No. 2 with Cool Air Mechanical in the amount of \$571.00.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Ahmann, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for the Civic Center HVAC Design & Construction Services between the City of Willmar and Cool Air Mechanical Inc. of Ham Lake, MN by Change Order No. 2 in the increased amount of \$571.00.

Dated this 21st day of December, 2015.

/s/ Marv Calvin _____
Mayor

/s/ Kevin Halliday _____
Attest: City Clerk

Item No. 10 Staff brought forth, for approval, the utility easement for the Westwood Court Lift Station. Additional property was required for the relocation of the lift station off of the County right of way and also for the safety of staff servicing it and motorists traveling along the road. The easement and amount have been negotiated at \$2,500.00. The Committee was recommending the Council approve the Westwood Court lift station easement with the Langsjoen-Hogan Trust in the amount of \$2,500.00.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

AUTHORIZATION TO EXECUTE LIFT STATION UTILITY EASEMENT

WHEREAS, a utility easement has been prepared for relocation of the Westwood Court Lift Station to construct, operate and maintain such lift station on or under the described lands; and

WHEREAS, an agreement has been prepared for the terms and conditions of easement with compensation to the landowner in the amount of \$2,500.00;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Willmar that the Mayor and City Administrator are hereby authorized to sign said easement on behalf of the City.

Dated this 21st day of December, 2015.

/s/ Marv Calvin _____
Mayor

/s/ Kevin Halliday _____
Attest: City Clerk

Item No. 11 Staff brought forth, for approval, the Engineering Improvement Report for 2016 and ordering the Improvement Hearing for March 7, 2016 at 7:01 p.m. The Committee discussed the overlay work proposed to be done on Lakeland Drive and the history of the street. The 2nd Street SW reconstruction in front of the Fire Hall was noted, with staff to work with the Fire Department on retaining access for their trucks throughout the project. The Committee discussed the timeline of the improvement schedule for the 2016 projects and advantages and disadvantages of bidding the projects earlier than the tentative April 5th date. The Technology Drive repair was noted, as staff is requesting to fix a 320 foot section of heaving as they further investigate a perforated corrugated pipe below the section that may be the cause of the damage. It was the recommendation of the Committee that the Council receive the Improvement Report and order the Improvement Hearing for March 7, 2016 at 7:01 p.m.

Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Nelsen, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

**RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON
YEAR 2016 IMPROVEMENT PROJECTS**

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, signal systems, sanitary sewer, water main, storm pond, in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Year 2016 Improvement Projects contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 12 The Committee discussed the future of the vacant Mills properties. No action was taken by the Council.

Council Member Christianson made a motion to approve and file Public Works/Safety Committee Report for December 15, 2015. Council Member Nelsen seconded the motion.

The Community Development Committee Report for December 17, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were five items for consideration.

Item No. 1 There were no public comments.

Chair Fagerlie recognized Shelby Lindrud as the replacement for David Little on the West Central Tribune "City beat". Chair Fagerlie thanked Mr. Little for his years of service and fine work done for the City.

Item No. 2 Staff presented a work order as an amendment to the Professional Services Contract the City has with Bolton & Menk. Bolton & Menk performed most of the work in completing the submittals for the phase three and final land release. The first two land releases were prepared by City staff. The information required for phase three was at a technical level beyond staff capability. Staff had engaged the services of Bolton & Menk because of the ongoing relationship the City has with them as airport engineers.

Staff acknowledged that the work order should have been brought to the Council sooner, but in the process of completing the submittals for the final land release it was overlooked. The information required for the final land release has been filed with the FAA. It is now in their hands to review and grant the final land release for the former airport. The FAA has indicated the review could take up to 12 months. Staff has begun discussions with persons at the FAA and the Federal Railway Administration to move the process along more quickly, in light of the TIGER Grant for the Willmar WYE Project that will require right-of-way from the final land release area.

The Committee was recommending that the Council adopt a resolution approving Work Order No. 5 with Bolton & Menk for the final phase of the land release process. The motion passed, with a vote of 3-1, with Council Member Johnson voting "No."

Resolution No. 9 was introduced by Council Member Fagerlie, seconded by Council Member Nelsen. Council Member Johnson opined on the proper procedure and requested more information on the submittal by Bolton and Menk to the FAA with a review of the timeline for when the work was completed. He also requested the City Attorney review Section 5.09 of the Charter advising the scope of Subdivision 2. City Attorney Robert Scott stated he was willing to offer an interpretation. Council Member Johnson made a motion to table any action on the resolution. Council Member Christianson seconded the motion, which carried.

Item No. 3 Staff presented a proposal from Dooley Brothers LLP to acquire three lots in Willmar Industrial Park Fourth Addition. The offer is made at full asking price and includes a proposal to utilize the City's Industrial Land Write-Down policy. The Committee viewed a preliminary site plan that includes new corporate offices and maintenance facilities for Dooley's Petroleum. The use is permitted with plan review in the Limited Industry district and the company would like to begin construction in early spring.

Staff suggested that because the purchase proposal was written at full asking price that staff be directed to work out the details and negotiate a final purchase agreement consistent with the listing price and the terms of the Industrial Land Write-Down policy. It was the recommendation of the Committee to direct staff to complete negotiations for the purchase and to bring the final negotiated deal back to the Committee in January. Council Member Fagerlie made a motion in support of the Committee's recommendation. Council Member Nelsen seconded the motion, which carried.

Item No. 4 The Committee discussed the Tax Abatement and Business Subsidy Agreement prepared for the recently granted MinnWest tax abatement. Questions were asked regarding the wage requirements in the City's Economic Development Incentives policy. Staff informed the Committee that all jobs created for projects that receive municipal incentives require the applicant to pay a minimum wage of \$12 per hour. Language in the agreement will require MinnWest to meet any changes to the wage requirements that are adopted as policy during the term of the tax abatement. The agreement includes the goals of eight million dollars in capital investments and an additional 175 jobs over the ten year abatement period. Failure to meet the goals will result in the City pursuing repayment of all or a part of the abated taxes.

The Committee was recommending the Council adopt a resolution approving the Tax Abatement and Business Subsidy Agreement for the MinnWest tax abatement consistent with the terms of City Council Resolution No. 3, dated December 7, 2015.

Resolution No. 9 was introduced by Council Member Fagerlie, seconded by Council Member Nelsen. During discussion Council Member Christianson expressed concerns from constituents who were not in favor of the tax abatement. The issue of using a wage qualifier (\$12) should be updated and it was recommended to have this item on a future Community Development agenda. After a lengthy discussion, a motion was made by Council Member Ahmann to table the approval of the tax subsidy agreement. Council Member Christianson seconded the motion, which failed with 2 Ayes and 5 Noes. Council Members Fagerlie, Nelsen, Johnson, Anderson and Plowman cast the "no" votes. The resolution was reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 5, Noes 1 and 1 Abstention. Council Member Ahmann cast the "no" vote and Council Member Christianson abstained.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Tax Abatement and Business Subsidy Agreement between the City of Willmar and MinnWest Technology Campus Management Company, LLC.

Dated this 21st day of December, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff informed the Committee that information regarding sex offender residency and zoning restrictions will be brought before the Committee in January. City Attorney Scott has indicated he has completed preliminary work on the matter and it is ready to go to Committee.

Staff also informed the Committee that it was working with EDC staff to prepare a site proposal for an industrial prospect seeking between 20-40 acres of land for a production facility. These items were received by the Council for information only.

Council Member Fagerlie made a motion to approve and file Community Development Committee Report for December 17, 2015. Council Member Christianson seconded the motion.

Council Member Anderson introduced the AFSCME Council 65 Public Works two-year labor agreement of January 1, 2016 through December 31, 2017. He commented on the two-tier health insurance program that was within both of the AFSCME contracts whereby employees hired post 2012 paid a higher premium rate than those hired prior to that date. This was eliminated within the contract. The wage increase proposed is 2.5% in 2016 and 2.5% in 2017. The clothing allowance was increased from \$175 to \$200 effective January 1, 2016 and increased to \$225 effective January 1, 2017. Council Member Anderson made a

motion to approve the agreement with the AFSCME Public Works Unit as presented. Council Member Christianson seconded the motion, which carried.

Council Member Anderson introduced the AFSCME Council 65 General Unit two-year labor agreement of January 1, 2016 through December 31, 2017. Again the wage increase is 2.5% for each year and also includes the removal of the two-tier health insurances. Council Members Anderson stated there are some employee titles that would be evaluated to update them to current terminology. Language under sick leave was modified to direct severance payments to a post-retirement account. The addition of a clothing allowance up to \$50 was added for Wastewater Treatment Plant, Building Inspectors and Engineering employees. Council Member Anderson made a motion to approve the agreement with the AFSCME General Unit as presented. Council Member Christianson seconded the motion, which carried.

Council Member Anderson presented the labor agreement for the Law Enforcement Labor Services (LELS). This will also be a two-year agreement with the wage increase of 2.5 % in both 2016 and 2017. The clothing allowance is increased to \$750 in 2016 and to \$800 in 2017. The compensation for senior officer differential is proposed to be increased to \$.75 in 2016 and \$1.00 in 2017. Some compensation language was added for a new officer assigned as a Field Training Officer and it was noted there are some language changes to be made pertaining to the premiums on health care. Council Member Anderson made a motion to approve the agreement with the Law Enforcement Labor Services as presented subject to clarification of the health insurance premiums. Council Member Christianson seconded the motion, which carried.

City Clerk Kevin Halliday presented an application for a Special Event by On-Sale Liquor License Holder Permit for an event at the Civic Center where the Willmar Curling Club is planning to hold a ten-day Junior National Curling Tournament on January 14 - 23, 2016. Staff has reviewed the permit and the applicant is Kandi Entertainment Center with the on-site employee listed as Keith Pattison. Council Member Fagerlie made a motion to approve the On-Sale Liquor License for this event. Council Member Christianson seconded the motion which carried on a roll call vote of 7 Ayes, 0 Noes.

City Clerk Kevin Halliday also presented applications for renewals of 2016 On-Sale Sunday Liquor Licenses. All applicants are in compliance and the Police Department has approved the applications. Council Member Anderson made a motion to approve the On-Sale, Club On-Sale 2016 Sunday Liquor Licenses Renewals as listed. Council Member Fagerlie seconded the motion, which carried on a roll call vote of 7 Ayes, 0 Noes.

Planning and Development Director Bruce Peterson reviewed the final plat for Gibby Addition, which is a one-lot replat of an existing parcel and a portion of Outlot B in Eagles Landing by Adam and Holly Gibson. The purpose of the acquisition was to allow room for an attached garage addition and still meet required setbacks. The plat has been approved by the Planning Commission and the addition will not impede into the wetland buffer area. Council Member Anderson made a motion to approve the final plat for Gibby Addition. Council Member Christianson seconded the motion, which carried.

A final plat for Schmitt Second Addition, a two-lot plat being proposed by Ken Schmitt of the Culvers Restaurant property on 19th Avenue SE was presented to the Council for consideration by Planning and Development Director Bruce Peterson. The existing Culvers Restaurant will remain on one parcel and a new parcel will be made at the south end of the property. There are two outlots in which the existing drive/access and storm water pond will be addressed in articles and declarations covering maintenance and ownership of those outlots. The Planning Commission approved the plat with conditions regarding assessments to be evaluated or paid at the time of the filing along the details of the articles/declarations. A motion was made by Council Member Fagerlie to approve the final plat for Schmitt Second Addition. Council Member Nelsen seconded the motion, which carried.

City Clerk Kevin Halliday recapped the direction of the Council in October where the City became aware that Kandiyohi County added a \$10.00 fee for each parcel certified for a lien in the subsequent year. This includes the City's grass/weed mowing, snow removal/cleanup, garbage cleanup and any unpaid utility

lien referred from the Municipal Utilities Commission. The City Attorney has prepared an Amending Ordinance that removes the set dollar fee for an Administrative Charge and replaces it with language that would allow the Council to set the fee by resolution. Staff's recommendation is to call for a hearing on the Amending Ordinance on January 4, 2016 and then subsequently putting in a new fee structure in the annual resolution setting fees for the ensuing year. Council Member Anderson made a motion to set a hearing for the Amending Ordinance for January 4, 2016 at 7:01 p.m. Council Member Christianson seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, January 11; Public Works/Safety, 4:45 p.m. at City Hall, January 12; Labor Relations, 4:45 p.m. at City Hall, January 13, Community Development, 4:45 p.m., at City Hall, January 14, 2015.

Council Member Anderson offered a motion to adjourn the meeting with Council Member Christianson seconding the motion, with carried. The meeting adjourned at 8:50 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL